

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

JOHN WEBSTER

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CASE NO: 2:07-cr-166-WKW

NOTICE OF APPEAL

NOW COMES the Defendant, John Webster, by and through undersigned counsel, Michael J. Petersen, and files this notice of appeal of this Court's denial of his Motion to Suppress, filed on November 5, 2007. On November 19, 2007, this Court held an evidentiary hearing as to the Defendant's Motion. The Magistrate Judge issued a Report and Recommendation on December 20, 2007, denying the Defendant's Motion. This Report and Recommendation was adopted by this Court over the Defendant's Objections on January 11, 2008. On January 29, 2008, the Defendant entered into a conditional plea agreement with the Government pursuant to Rule 11(a)(2) of the Federal Rules of Criminal Procedure, Amended, reserving the Defendant's right to pursue the denial of his Motion to Suppress on appeal. On May 15, 2008, the Plea Agreement was accepted by this Court and the Defendant was sentenced. The Defendant has previously been found to be indigent and entitled to appointed counsel and is entitled pursuant to 18 U.S.C. § 3006A(d)(6) to proceed with this appeal without prepayment of fees and costs or security therefore and without filing the affidavit required by Section 1915(a) of Title 28. *See United States v. Osuna*, 141 F.3d 1412, 1414 (10th Cir. 1998); *United States v. McKee*, 309 F.Supp.2d 1358, 1359 at n.1 (M.D. Ala. 2004)..

Dated this 20th day of May, 2008.

Respectfully submitted,

s/ Michael J. Petersen

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ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Kent Brunson, Esquire
Assistant United States Attorney
131 Clayton Street
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Respectfully submitted,

s/ Michael J. Petersen
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